

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Implementation of Sections 309(j) and 337)
of the Communications Act of 1934, as Amended)
)
Promotion of Spectrum Efficient)
Technologies on Certain Part 90)
Frequencies)

WT Docket No. 99-87
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-9332

To: The Commission

PETITION FOR CLARIFICATION OR RECONSIDERATION

Kentec Communications, Inc. (Kentec), by its attorneys, pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. §1.429, respectfully requests clarification or reconsideration of the Commission's Second Report and Order and Second Further Notice of Proposed Rule Making (SRO) in the above captioned proceeding. In support of its position, Kentec shows the following.

Interest of the Party

Kentec provides Commercial Mobile Radio Service to the paging public on paging-only frequencies 152.480 MHz and 462.925 MHz in the State of Colorado. Kentec provides its service to more than 10,000 end users. Kentec also provides technical services to a number of public safety entities which operate paging systems on two-way channels.

Kentec's paging system uses a form of data signaling which the Commission well knows requires a signal to noise ratio which cannot be achieved with a channel bandwidth of less than 25 kHz. It was for that reason that the Commission in PR Docket No. 92-235 decided that

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“channels designated for paging-only are not being narrowbanded and will remain wideband,” 10 FCC Rcd 10076, 10108, n. 116 (1995). However, the Commission failed to affirm this decision expressly in its SRO.

Discussion

Kentec believes that the Commission’s not expressly continuing to permit the use of 25 kHz bandwidth on paging-only channels was merely an oversight. The SRO said nothing at all about the permissible channel bandwidth on paging-only channels and the Commission did not amend Rule Section 90.203(j)(7), which continues to provide that “transmitters designed for one-way paging operations will be certified with a 25 kHz channel bandwidth and are exempt from the spectrum efficiency requirements,” 47 C.F.R. §90.203(j)(7). That the Commission did not amend Rule Section 90.203(j)(7) strongly suggests that the Commission did not intend to impose a disabling restriction on paging systems.

Were the Commission not to continue to permit paging-only systems to operate and expand with 25 kHz channel bandwidth, the paging business in the frequency bands 150-174 MHz and 421-512 MHz would no longer be able to provide reliable service to the public. The paging business faces intense competition from wireless telephone carriers and needs the continued ability to improve its service areas to respond to consumer demand. Any reduction in the capability and flexibility of paging-only systems would rapidly reduce the range of choices available to consumers. To provide consumers with a continued full range of choices, the Commission should

clarify that its narrowbanding actions were not intended to apply to systems operating on paging-only frequencies.

Although the matter is not free from doubt, it does not appear that the Commission intended to prohibit the manufacture and importation of paging receivers beyond January 1, 2008. Many public safety entities page on their two-way voice channels and their paging systems have the same need as Kentec's system for an adequate signal to noise ratio. Their ability to alert, inform, and command their personnel could be severely compromised were they unable to obtain new paging receivers beyond January 1, 2008.

The Commission has provided a migration deadline of January 1, 2013 for non-public safety systems and a deadline of January 1, 2018 for public safety systems. Inasmuch as the Commission will allow continued operation of wideband transmitters until these dates, the Commission should expressly allow the manufacture and importation of new paging receivers beyond January 1, 2008.

Paging receivers do not transmit and, therefore, the continued availability of new paging receivers will have no effect on spectrum efficiency. Paging receivers are often lost or damaged in the harsh conditions of public safety service. Were users unable to obtain new wideband pagers beyond January 1, 2008, the consequence would be an unintended acceleration of the migration deadlines, especially for public safety users. To provide paging users with greater certainty, the

Commission should clarify that wideband paging receivers may continue to be manufactured and imported indefinitely.

Conclusion

For all the foregoing reasons, Kentec respectfully requests that the Commission clarify or reconsider its action in the SRO to affirm its decision that channels designated for paging-only use are not being narrowbanded and will remain wideband. Kentec also requests that the Commission clarify or reconsider that paging receivers which operate with 25 kHz bandwidth may continue to be manufactured and imported indefinitely.

Respectfully submitted,
KENTEC COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Dennis C. Brown", written over a horizontal line.

Dennis C. Brown

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Dated: April 22, 2003